

Message Text

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TAGS: SHUM, CA
SUBJECT: EMBASSY DRAFT OF 1978 COUNTRY REPORT ON
-- HUMAN RIGHTS
REF: (A) STATE 222928 (B) OTTAWA A-160

1. FOLLOWING IS EMBASSY'S DRAFT SUBMISSION FOR THE 1978
COUNTRY REPORT ON HUMAN RIGHTS PRACTICES IN CANADA.

2. BEGIN TEXT: THE CANADIAN RECORD IN PROTECTION OF HUMAN
RIGHTS CONTINUES TO BE ONE OF THE BEST IN THE WORLD AND A
SOURCE OF CONSIDERABLE PRIDE FOR MOST CANADIANS. THE
GOVERNMENT AND THE VAST MAJORITY OF CANADIANS ARE ANXIOUS
TO GUARD AGAINST VIOLATIONS OF CIVIL RIGHTS. PARLIAMENT,
PRESS, AND PUBLIC OPINION ARE QUICK TO REACT WHEN IT APPEARS
THERE HAS BEEN A REAL OR IMAGINED INFRINGEMENT OF HUMAN
RIGHTS NOT ONLY IN CANADA, BUT IN OTHER AREAS OF THE WORLD.
CANADIANS ARE OUTSPOKENLY CRITICAL OF OTHER NATIONS WHERE
HUMAN RIGHTS MAY BE VIOLATED, AND THE CANADIAN GOVERNMENT
REFLECTS THIS VIEWPOINT. RECENT EXAMPLES OF THIS CON-
SCIOUSNESS WOULD INCLUDE THE GROUNDSWELL OF PUBLIC CONCERN
FOR THE FATE OF SUCH SOVIET DISSIDENTS AS ANATOLY
SHCHARANSKY, AND THE HOUSE OF COMMONS' CONDEMNATION OF
HUMAN RIGHTS VIOLATIONS IN CAMBODIA. CANADA IS A STAUNCH
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SUPPORTER OF UN RESOLUTIONS AND DECLARATIONS CONCERNING
HUMAN RIGHTS AND HAS WILLINGLY ACCEPTED LARGE NUMBERS OF
PERSONS FROM NATIONS WHOSE REPUTATION FOR HUMAN RIGHTS IS
LESS WELL ESTABLISHED, OR WHO ARE VICTIMS OF WAR.

3. THE 1960 CANADIAN BILL OF RIGHTS AND THE 1977 CANADIAN
HUMAN RIGHTS ACT PROVIDE THE LEGAL BASES FOR OBSERVANCE

OF HUMAN RIGHTS WITHIN THE CONTEXT OF CANADIAN DEMOCRACY. THE 1960 CANADIAN BILL OF RIGHTS REAFFIRMED THE TRADITIONAL FREEDOMS WHICH CANADIANS ENJOYED UNDER COMMON AND STATUTE LAW, AND OUTLAWED DISCRIMINATION ON THE BASIS OF RACE, NATIONAL ORIGIN, COLOR, RELIGION, OR SEX. THE 1977 CANADIAN HUMAN RIGHTS ACT WENT BEYOND THE BILL OF RIGHTS BY PROVIDING AN ACTION PROGRAM FOR THE GOVERNMENT TO COMBAT DISCRIMINATION, THROUGH THE COORDINATING AUTHORITY OF A HUMAN RIGHTS COMMISSION. THE COMMISSION OPERATES TO ENSURE THAT ALL PUBLIC AGENCIES AND CROWN CORPORATIONS AT THE FEDERAL LEVEL OBSERVE STRICT ADHERENCE TO EQUAL OPPORTUNITY AND TO COMBATTING DISCRIMINATION BASED ON RACE, CREED, COUNTRY OF NATIONAL ORIGIN, SEX, AND CRIMINAL RECORD FOR WHICH A PARDON HAS BEEN ISSUED. THE LEGISLATION ALSO GIVES THE HUMAN RIGHTS COMMISSION CERTAIN JURISDICTION OVER THE RIGHT OF AN INDIVIDUAL CANADIAN TO REQUEST HIS PERSONAL FILE FROM ANY FEDERAL AGENCY UNDER WHAT IS CALLED "PRIVACY" LEGISLATION.

4. IN JUNE OF 1978 PRIME MINISTER TRUDEAU PRESENTED A LANDMARK DRAFT BILL TO THE PARLIAMENT, PROPOSING MAJOR CHANGES IN THE CANADIAN CONSTITUTION TO STRENGTHEN FURTHER HUMAN FREEDOMS AND TO REFORM THE INSTITUTIONS OF THE UPPER HOUSE OF PARLIAMENT AND THE CANADIAN SUPREME COURT. THE BILL, IN ITS "STATEMENT OF AIMS", PROCLAIMS ITS INTENTION:
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-- "TO PROTECT THE FUNDAMENTAL RIGHTS OF ALL CANADIANS AND TO PROMOTE THE CONDITIONS OF LIFE UNDER WHICH THEIR LEGITIMATE ASPIRATIONS AND ESSENTIAL WORTH AND DIGNITY MAY BEST BE REALIZED."

-- "TO ENSURE THAT ITS SOCIETY IS GOVERNED BY INSTITUTIONS AND LAWS WHOSE LEGITIMACY IS FOUNDED UPON THE WILL AND CONSENT OF THE PEOPLE...."

-- "TO PURSUE SOCIAL JUSTICE AND ECONOMIC OPPORTUNITY FOR ALL CANADIANS THROUGH THE EQUITABLE SHARING OF THE BENEFITS AND BURDENS OF LIVING IN THE VAST LAND THAT IS THEIR COMMON INHERITANCE...."

-- "TO ENSURE THROUGHOUT CANADA EQUAL RESPECT FOR ENGLISH AND FRENCH AS THE COUNTRY'S PRINCIPAL SPOKEN LANGUAGES...AND FOR THE MANY ORIGINS, CREEDS AND CULTURES AND FOR THE DIFFERING REGIONAL IDENTITIES THAT HELP SHAPE ITS SOCIETY, AND FOR THOSE CANADIANS WHO ARE PART OF EACH OF THEM...."

5. THE BILL WOULD ENTRENCH IN CANADA'S CONSTITUTION FOR THE FIRST TIME COMPREHENSIVE STATEMENTS OF POLITICAL AND LEGAL RIGHTS AND FREEDOMS WHICH, IN GENERAL, HAVE NOT PREVIOUSLY HAD CONSTITUTIONAL GUARANTEES, BUT HAVE BEEN EXPRESSED IN FEDERAL LAWS AND PROVINCIAL STATUTES. THE PROPOSED "CHARTER OF RIGHTS AND FREEDOMS" WOULD ALSO ADD SEVERAL IMPORTANT NEW RIGHTS APPLYING TO THE USE OF THE ENGLISH AND FRENCH LANGUAGES, FREEDOM OF CONSCIENCE AND THOUGHT, PROTECTION AGAINST UNREASONABLE SEARCHES AND SEIZURES AND PROVISIONS AGAINST THE RETROACTIVE APPLICATION OF CRIMINAL SANCTIONS. THE RIGHT TO MOVE FROM

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PROVINCE TO PROVINCE, TO OWN PROPERTY AND TO WORK IN ANOTHER PROVINCE WOULD BE GUARANTEED FOR THE FIRST TIME. THE RIGHT TO VOTE AND TO STAND FOR ELECTIVE OFFICE WITHOUT DISCRIMINATION WOULD BE EXPRESSLY ASSURED AS WELL. THE BILL IS CURRENTLY THE SUBJECT OF PUBLIC AND PARLIAMENTARY DEBATE.

1. RESPECT FOR THE INTEGRITY OF THE PERSON; INCLUDING FREEDOM FROM:

A. TORTURE: FREEDOM FROM TORTURE IS GUARANTEED IN CANADIAN LAW AND RESPECTED IN PRACTICE.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: FREEDOM FROM CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IS GUARANTEED BY LAW AND RESPECTED IN PRACTICE.

C. ARBITRARY ARREST OR IMPRISONMENT: FREEDOM

FROM ARBITRARY ARREST OR IMPRISONMENT IS
GUARANTEED BY LAW AND RESPECTED IN PRACTICE.

D. DENIAL OF FAIR PUBLIC TRIAL: FAIR PUBLIC
TRIAL IS GUARANTEED AND PROVIDED IN PRACTICE.
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E. INVASION OF THE HOME: THE HOME IS PROTECTED
BY CANADIAN LAW FROM INVASION.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT
OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE
AND EDUCATION.

THE CANADIAN GOVERNMENT HAS DEMONSTRATED A STRONG COMMIT-
MENT TO IMPROVING THE LOT OF THE POOR. CANADA IMPLEMENTED
WELL-DEVELOPED AND EXTENSIVE SOCIAL WELFARE, HEALTH CARE,
AND EDUCATION PROGRAMS FOR ITS CITIZENS. BOTH THE FEDERAL
AND PROVINCIAL GOVERNMENTS OF CANADA PARTICIPATE IN THE
SOCIAL WELFARE ROLE UNDER COST-SHARING AND JURISDICTIONAL-
SHARING AGREEMENTS. THERE IS ALSO A VERY EXTENSIVE AND
GENEROUS PROGRAM OF UNEMPLOYMENT INSURANCE COMPENSATION
ADMINISTERED BY THE FEDERAL DEPT OF EMPLOYMENT AND
IMMIGRATION IN CANADA. FEDERAL AND PROVINCIAL TAX SYSTEMS
ARE PROGRESSIVE. A PROGRAM OF WAGE/PRICE CONTROLS,
INSTITUTED IN 1975, IS CURRENTLY BEING PHASED OUT AND WILL
TERMINATE AT THE END OF 1978. THERE IS MINIMAL GOVERN-
MENTAL INVOLVEMENT IN THE DETERMINATION OF WAGES IN THE
PRIVATE SECTOR. CANADIAN LABOR UNIONS IN BOTH THE
PUBLIC AND PRIVATE SECTORS ENJOY WIDE FREEDOM OF ACTION.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES,
INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION,
AND ASSEMBLY--THESE FREEDOMS ARE IN EFFECT.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
TRAVEL, AND EMIGRATION--THERE IS FREEDOM OF
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MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL
AND EMIGRATION.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL

PROCESS--CANADA IS A CONSTITUTIONAL MONARCHY
WITH A PARLIAMENTARY FORM OF GOVERNMENT. THE
DEMOCRATIC TRADITION IS VERY STRONG IN CANADA.
ELECTIONS ARE ORDERLY AND GOVERNMENTS ARE
STABLE.

THE STATUS OF FRENCH CANADIANS WITHIN THE CONFEDERATION IS
A MATTER OF SERIOUS NATIONAL CONCERN. HISTORICAL FACTORS
HAVE AFFECTED THE RANGE OF POLITICAL AND ECONOMIC
OPPORTUNITIES THROUGHOUT CANADA OPEN TO THE CULTURAL AND
LINGUISTIC MINORITY OF FRANCOPHONE CANADIANS, BUT THE
CANADIAN GOVERNMENT IS DEEPLY COMMITTED TO ENSURING THE
FULL REALIZATION OF EQUAL OPPORTUNITY FOR ALL ETHNIC
GROUPS IN ALL PARTS OF THE COUNTRY. THE FINAL SECTION OF
THE STATEMENT OF AIMS OF THE CONSTITUTIONAL REFORM BILL
ENVISAGES THE SETTING OF "A PERMANENT NATIONAL COMMITMENT
TO THE ENDURANCE AND SELF-FULFILLMENT OF THE CANADIAN
FRENCH-SPEAKING SOCIETY CENTERED IN, BUT NOT LIMITED TO
QUEBEC." BEYOND THE LEGISLATIVE SIDE, THE CANADIAN
GOVERNMENT HAS MADE EXTENSIVE EFFORTS TO ENCOURAGE A
POSITIVE PUBLIC ATTITUDE TOWARD MINORITIES. MUCH EMPHASIS
HAS BEEN PLACED ON THE FOSTERING OF A BILINGUAL, MULTI-
CULTURAL SOCIETY IN WHICH ALL MAY ENJOY FREEDOM FROM
DISCRIMINATION.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTER-
NATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF
ALLEGED VIOLATIONS OF HUMAN RIGHTS:

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5. STATUS OF WOMEN:

CANADIAN GOVERNMENT AND SOCIETY ARE HIGHLY INVOLVED IN THE QUESTION OF THE WOMEN'S LIBERATION MOVEMENT AND THE STATUS OF WOMEN. A PARLIAMENTARY COMMISSION WAS ESTABLISHED IN 1968 AND A DETAILED REPORT WITH LONG-TERM GOALS PRESENTED TO PARLIAMENT. A CABINET MINISTER IS SPECIFICALLY CHARGED WITH RESPONSIBILITY FOR THE STATUS OF WOMEN, AND IS CLOSELY QUESTIONED ON THIS TOPIC IN PARLIAMENTARY SESSIONS. DISCRIMINATION ON THE BASIS OF SEX IS OUTLAWED UNDER PROVISIONS OF THE BILL OF RIGHTS AND THE 1977 CANADIAN HUMAN RIGHTS ACT, WHICH APPLIES TO ALL AREAS OF CANADIAN GOVERNMENT AND CROWN CORPORATIONS UNDER FEDERAL JURISDICTION. EACH OF THE TEN PROVINCES HAS A SIMILAR LAW APPLYING TO ITS OWN PROVINCIAL CIVIL SERVICE AND GOVERNMENT AGENCIES. THERE IS A FEDERAL ADVISORY COUNCIL ON THE STATUS OF WOMEN, CONSISTING OF 30 WOMEN WITH DISTINGUISHED RECORDS IN BUSINESS,
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GOVERNMENT, AND SOCIAL SERVICE, WHO ADVISE THE MINISTER ON WOMEN'S AFFAIRS, AND MEASURES TO MAINTAIN SEXUAL EQUALITY IN LEGISLATIVE POLICY.

6. THE EXTENT AND EFFECTS OF CORRUPTION:

THE "SUNSHINE" EFFECTS OF THE MEDIA AND THE PARLIAMENTARY OPPOSITION SYSTEM HAVE A SUBSTANTIAL IMPACT ON CANADIAN DEMOCRACY. WHILE THERE HAVE BEEN INDIVIDUAL ABUSES FOR WHICH MEMBERS OF PARLIAMENT HAVE BEEN INDICTED, AND FOR WHICH AN INDIVIDUAL MEMBER OF THE PUBLIC SERVICE HAS BEEN INDICTED ON RARE OCCASIONS, THE OVERWHELMING EVIDENCE IS THAT THE GOVERNMENTAL SYSTEM OF CANADA IS HIGHLY HONEST AND RELATIVELY FREE FROM CORRUPTION. END TEXT.
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